

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv135**

**JAMES DAVID MOSS; MARTHA  
GEAN MOSS; and JAMES LLOYD  
MOSS,**

**Plaintiffs,**

**Vs.**

**JUDGMENT**

**JEFFREY N. MACKEY, Individually  
and as an Officer of the Maggie Valley  
Police Department, SCOTT SUTTON,  
Individually and as Chief of the Maggie  
Valley Police Department, MAGGIE  
VALLEY POLICE DEPARTMENT,  
TOWN OF MAGGIE VALLEY,  
BRIAN E. SIZEMORE, Individually  
and as a Deputy of the Haywood  
County Sheriff's Department, R. TOM  
ALEXANDER, as Sheriff of the  
Haywood County Sheriff's  
Department; and HAYWOOD COUNTY  
SHERIFF'S DEPARTMENT,  
HAYWOOD COUNTY,**

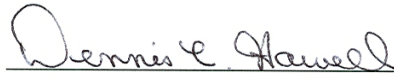
**Defendants.**

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**THIS MATTER** having come before the court on the defendants' Motion for Summary Judgment, the supporting and opposing memoranda of law, the defendants' Reply, and exhibits, and the court having determined that no genuine issue of material fact remains for trial and that defendants are entitled to judgment on all claims as a matter of law,

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that defendants' Motion for Summary Judgment is **GRANTED**, plaintiffs' Complaint is **DISMISSED** with prejudice in its entirety, and **JUDGMENT** is entered providing that plaintiffs have and take nothing of these defendants.

Signed: October 1, 2008



Dennis L. Howell  
United States Magistrate Judge

